

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION

Lynae McReynolds,

FILED: MAY 25, 2008

Plaintiff,

08CV3041 LI

v.

JUDGE ASPEN

MAGISTRATE JUDGE ASHMAN

Graymills Corporation,

Defendant.

Complaint of Employment Discrimination

01. Plaintiff is an individual residing in Chicago, Cook County, Illinois,

02. Defendant is a corporation doing business at 3705 N. Lincoln Avenue, Chicago,

Cook County, Illinois,

03. Plaintiff was employed by Defendant from April 4, 2006 until Plaintiff was fired by Defendant on November 10, 2006,

04. Plaintiff filed her Charge of Discrimination with the EEOC on March 20, 2007

and her attorney received the EEOC's Right To Sue Letter on February 27, 2008,

05. This Complaint is filed within 90 days of Plaintiff's attorney's receipt of the Right To Sue Letter,

06. This Court has jurisdiction of this case via 42 USC § 1981, 1988, 2000e *et seq.*,
28 USC § 1331 and disability per 42 USC § 12101 *et seq.*

07. Defendant between April and November 2006 intentionally discriminated against Plaintiff in her employment based on her race, color, sex and disability - - - then retaliated against Plaintiff for having complained to her supervisors about the discriminatory treatment, as set forth in detail in the four page Rider # 1 to Plaintiff's EEOC Charge, which is attached to this Complaint as an Exhibit and incorporated here by reference.

08. Defendant's conduct toward Plaintiff has proximately caused damages to Plaintiff,

WHEREFORE, Plaintiff requests that this Court enter an Order that Defendant re-employ and promote Plaintiff, or in the alternative that this Court award Plaintiff damages per § 1981 of \$500,000 plus costs and attorneys fees, per § 2000e et seq. of \$300,000 plus costs and attorneys fees, per 42 USC § 12101 *et seq.* of \$300,000 plus costs and attorneys fees plus such other relief as the Court allows.

s/ William B. Thompson
#3123041
Attorney for Plaintiff
P.O. Box 584, Wheaton, IL 60189
630-690-1971

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION MAGISTRATE JUDGE ASHMAN

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Lynae Mcreynolds
1441 West Farwell Avenue
Chicago, IL 60626

From: Chicago District Office
500 West Madison St
Suite 2800
Chicago, IL 60661

Certified Mail 7001 0320 0006 1098 2603

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

440-2007-03886

EEOC Representative

Nanisa Pereles,
Investigator

Telephone No.

(312) 353-8739

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- More than 180 days have passed since the filing of this charge.
- Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- The EEOC is terminating its processing of this charge.
- The EEOC will continue to process this charge.

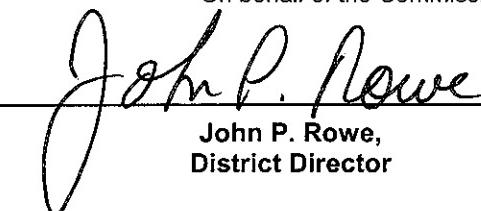
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.
- The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


John P. Rowe,
District Director


(Date Mailed)

Enclosures(s)

CC:

GRAYMILLS CORPORATION

RECEIVED
FEB 27 08

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

 FEPA
 EEOC
440-2007-03886

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Ms Lynae McReynolds

Date of Birth

Street Address

City, State and ZIP Code

1441 W. Farwell Ave. Chicago IL 60626

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

Graymills Corporation

No. Employees, Members

Phone No. with Area Code

100

773.477.4100

Street Address

City, State and ZIP Code

3705 N. Lincoln Ave. Chicago IL 60613

Name

No. Employees, Members

Phone No. with Area Code

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

Fired on
10 Nov 06 CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

See Attached Rider # 1.

RECEIVED EEOC

MAR 20 2007

CHICAGO DISTRICT OFC

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State or Local Agency Requirements

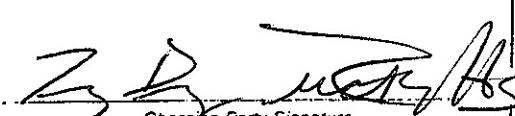
I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWEORN TO BEFORE ME THIS DATE

Tues 07



Charging Party Signature

Date

Graymills Co., discriminated against me because of my race; African-American, my gender; female, and my disability; my hammer toe, and retaliated against me for complaining about this and other remarks by unfairly terminating my employment.

- HR manager was overjoyed that I was starting and had communicated that to Marguerite (An African-American who works in the mail room) that, "A new person is starting and she's black. And she's intelligent....you'll like her."
- Mary, (HR manager) on more than one occasion complimented me on my diction by saying, "your diction is soooo good." But, the Customer Service Manager was telling me that "you can't even 'pronounce' words.... This is a professional business and if you can speak English correctly....." while laughing at me.
- Shortly after I was hired, I heard my desk drawer closed and noticed one of the owners walking out of my cube after going through my private drawer. Two others were in the office at the time.
- I was scheduled for two full weeks of training. One week for Industry Parts, and the other week for Graphic Arts. I only received 2 ½ days of Graphic Arts training because of a schedule conflict. I was told I would be scheduled for the rest of the Graphic Arts training soon, since over 70% of our orders came from the Graphic Arts side, but that did not happen until September '07.
- Sharon H (Customer Service manager) saying in my presence to another African-American female as she was putting files up, "that's why I admire you people, you are so strong."
- Jerry (one of the owners) was speaking on the side of me to another African-American "That's why welfare pays me to employ you....I'm going to ask for my \$7.28 back."
- As I passed by Jerry one day with a medium sized bag in my hand, Jerry asked me, "What's in the bag?" Before I could answer he started laughing, and said, "I got to tell you this story....it's funny...." Out of the blue, he told me about a temp who he hired that stole out of his office carry a bag.
- It seemed common that the word "N-word" was often used by an African-American employee before I started there. I had expressed in front of all that I was offended by the use of stereo-typing others, as well as racial jokes and the "N-word" within the first month I started there.
- Mary Allen (HR manager) made a couple of favorable comments about my lighter skin complexion for being an African-American. She had also told me that her grandmother used to call us "black people colored," and that my diction "was so good." My shade was lighter than all the other African-American in the plant and inside the office.
- The marketing guy, Bob requested me to help him and the mail lady (African-American) to stuff envelopes for his mailing campaign even though this was not part of my job duties; he did not ask this of the other employees who are white.
- I was written up and taken to the HR department for supposedly taking hour long lunches. In front of HR and manager, I told them I was not guilty. I told them it

19 Feb 07

Zs. D. McCormick

was the other employees taking hour long lunches instead of me. The manager then said, "we have a very close snitched group here....and it's like you don't have your co-workers back." The other employees were never written up for their actions regarding breaking the lunch policy.

- I went to ask Sharon H a question at her desk. She followed me back to my desk. I had a customer on hold. As she was standing in back of me I grabbed my call off hold and proceeded to sit down. My chair was nowhere to be found. An accident report was filed, and I just concluded that it was just an accident, but the longer I worked there with Sharon H the more I felt that maybe she pushed my chair from underneath me, causing me to fall and cut my elbow.
- The manager of Customer Service verbally reprimanded me for leaving early for a doctor's appointment, by saying "did you just take a lunch and leaving late at the same time??" I stayed late in the office to get my work done; also when others needed to depart early they did not make up the time before this period.
- I have been regularly excluded from informal meetings about products and sales efforts which occurred frequently inside the Customer Service area.
- Sharon H, manager of Customer Service, regularly said, "Good morning" to all the other employees, but only said it to me no more than five times in all my employment there, even when I spoke the words "good morning" to her. But, she's always managed to say it to all the others (white).
- The manager, Sharon H "chatted personally" with other employees (white) daily, as they all did with each other, but when I would get up from my seat to do the same, I was told to return back to my desk.
- I was introduced to another African-American, by another African-American who worked in the Plant, as "this is Lynae, she's not one of us."
- Joe Lebron knew that it was no one in management who I felt I could confined in, do he continually made sexual explicit remarks to me, in spite of me repeatedly requesting him to stop throughout my employment with Graymills.
- Within the first couple of weeks out of training, the manager Sharon H, convened a meeting in the office. When I offered a suggested I was told "that's not the way we do things around here."
- When questioned over again, Sharon H refused to send the customary e-mail to the outside sales force informing them that I had been hired as one of the new customer service rep. Sharon H put out the emails for others whites. Sharon H made sure to send out an e-mail announcing that I had been fired the next working day.
- Sharon H, the manager would publicly reprimand me when I made an occasional mistake on an Order, but always spoke privately with the white employees who erred.
- Sharon H once asked me if I was going to get braids in my hair, like the other African-American female had in her hair, after I stated I had "to do my hair."
- Within the first couple of weeks out of training, I asked Sharon H, the customer service manager, in the presence of Linda, one of the owners, a product related question. Sharon insulted me and giggled, rather than answering my question.
- In July 2006, Sharon had falsely accused me of downloading music on an I-Pod that I hadn't brought yet. Since she was so adamant about me downloading from

19 Jul - 07



the internet which was against company policy, I reviewed the computer history, e-mailed her a copy of when this file "Music Box" was downloaded, and proved it was downloaded in January, 06, before I came to work for Graymills in April 06. Sharon refused to offer me an apology after her tyrant in front of other employees regarding this.

- Sharon H and Denis. Denis is Sharon's personal friend and he was also my trainer. Both of them constantly talked-down to me when I asked a question, but they did not speak with other employees (whites) in the same ways when they asked a question.
- Sharon H regularly stated that I couldn't "pronounce" names, products etc correctly, even though this was false. She never complained about anyone else enunciation except mine, although there was one very country sounding African-American and one Hispanic employee with different dialects within our office.
- Sharon H falsely stating that my top desk drawer being opened was a safety hazard.
- Sharon H yelled at me to stop eating at my desk, but allowed the other customer service reps (whites, including herself) to eat at their desk.
- By August, every move I made was questioned, and the discrimination took a hold of me that I had began breaking out into hives on a daily basis, Sunday-Friday.
- Manager wrote me up for being tardy 6 times but did not write up the other white employees whose tardiness surpassed mine in any given month before this period.
- In September 2006, Sharon made me walk through the entire Trade Show at McCormick with regular flat shoes, instead of gym shoes, thereby refusing to accommodate my disability in which I had spoken to her about days before that I had a torn ACL in my right knee, a hammer toes (which I just had one foot corrected in Jan 07) and two growths on both feet which would disable me if I had to walk without gym shoes on. She told me to buy another pair of comfortable shoes then, but I assured her, it had nothing to do with the shoes, I just had bad feet. I had also mentioned that I was not able to stand for a period of time because of my knee injury. She observed this during my training, whereas I could not stand more than 30 minutes, more or less, and had to sit during her training. She had also observed in Apr 06, that I could not walk up or down a flight of stairs normally.
- Before the Trade Show, Sharon H to make sure I look presentable and clean, because I'll be representing Graymills.
- Around 27Sep, 2006, Denis my trainer had talked-down to me again, accusing me of lying about how I got a price quotation even though I showed him on the computer screen how I obtained it. Sharon wasn't in the office at the time. I told him in a stern by calm tone that I was tired of him talk-down to me, accusing me of lying...etc.
- Sharon asked me what happened, but didn't seem interested in listening to me, all she said was, "I never seen Denis get so upset."
- A couple of days later I was written up by Sharon H and was given a 30 day notice. I have never witnessed any other customer service rep (white) being screamed at or belittled.

19 FEB 07

Zy Dz mckDBy

- During this time, Tom Lewis, the plant manager was in the conference room where Sharon H had another employee to bring me to. She falsely accused me of not being able to pronounce our product names that I always asked the same questions, thus not knowing my job etc....
- In late September Sharon falsely accused of mishandling my notes in the computers on orders, even though the other customer service reps (white) including her did the same as I had been doing, but they weren't reprimanded.
- After a month had passed, 31OCT, I asked Sharon H what did they decide to do with me, seeing how, after collecting evidence that I wasn't asking the same old question, and out of the 34 questions I asked in a to week period, regarding older products or newer ones, there was only 2 I should have known. Sharon H said that they decided to give me a test.
- Since it meant my job, I agreed to take the test, although no other customer service rep (white) was ever given this test, or another test, or warning about a test.
- The test was given on 03Nov, 2006. Sharon H read off questions and I answered them on a blank sheet of paper.
- A lot of times when customers or a sales person came into the office that I never meet before, I was often not introduced to them, even when I wasn't on the phone. Other employees were, always, even if they were on the phones. Graymills waited until other (white) person was off the phone.
- Sharon H once falsely accused me of putting my name into a customer's "master's notes," saying that it was my customer --- None other employee was rudely accused of taking ownership of customers.
- 10Nov06, Sharon H and Mary Allen fired me for the pretext of not being the "right fit for Graymills."

I was terminated on 10Nov because of my race, disability and gender.

Tony D. Nickels
19 Feb 07